IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.2215 OF 1993

Goverdhandas Bhutada, .. Petitioner.

Vs

State of Maharashtra & Ors .. Respondents.

Ms Manjiri S Parwnis i/b Mr G.S.Godbole, for the petitioner.

Mr D.A.Patil, AGP for the respondents.

CORAM : D.B.BHOSALE,J.

DATE : 21.9.2005.

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 27.5.1993 passed by the Joint Registrar, Co-operative Societies, Maharashtra State, Mumbai, removing the petitioner under section 73FF of the Maharashtra Co-operative Societies Act, 1960 (for short,"the Act") by declaring him disqualified for being a Director of Solapur Janata Sahakari Bank, Solapur. An action was

initiated at the instance of a member of the society who had alleged that the petitioner, who was the Chairman of the Society at the relevant time, had availed different cash credit loans in different partnership firms of which he was one of the partners and the said loans were not repaid and hence he had acquired disqualification under section 73FF of the Act.

3. This Court, while admitting the writ petition, had granted interim stay of the impugned order. As a consequence thereof, the petitioner enjoyed the term for which he was elected. It is clear that the period for which the petitioner was elected and he was disqualified being a member of the Committee, got over long back. Even if it is assumed that the impugned order was rightly passed, the disqualification under section 78 of the Act would also not operate since more than 12 years have elapsed. This writ petition has, thus, rendered infructuous. It is dismissed as such. Rule discharged.

(D.B.BHOSALE, J.)